



Serial No.: 09/700,448

Confirmation No.: 3754

Applicant: Allen L. Limberg & Chandrakant B. Patel
Atty. Ref.: 12458.0091.NPUS00

REMARKS:

The claims and amended claims are submitted as being clearly distinct and patentable over the art of record and therefore their entry and allowance by the Examiner is requested.

IN RESPONSE TO THE OFFICE ACTION:

REJECTION UNDER 35 U.S.C. § 101:

Claims 7-54 were rejected under 35 U.S.C. § 101 as not being directed to statutory subject matter. Specifically, the Examiner contends that these claims recite “functional descriptive material” that lack interrelation between the claimed data structures and their environment. Applicants respectfully traverse the rejection on the grounds that signal claims directed to practical applications are *per se* patentable subject matter. See MPEP § 2106(IV)(B)(1)(c) (“*[A] signal claim directed to a practical application of electromagnetic energy is statutory* regardless of its transitory nature.”)(citing *O'Reilly v. Morse*, 56 U.S. 62, 114–119 (1853)). Further, unlike the “data structures” in *In re Warmerdam*, 31 U.S.P.Q.2d 1754 (Fed. Cir. 1994), the signals that are the subject matter of the present claims are not abstract ideas or mere manipulations thereof. These signals have a direct, useful, concrete, and tangible effect on equipment that is configured to process them—they cause the display of high-quality digital television images that have been processed to cancel “ghosts” and similar distortions. Applicants have amended the claims to more clearly define this effect by specifically reciting that the signals are “received and processed by a television signal receiver.”

In view of the above, Applicants request the reconsideration and withdrawal of the rejection of claims 7–54 under 35 U.S.C. § 101 and ask that the Examiner indicate the allowance of these claims in the next paper from the Office.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned attorney authorizes the Commissioner to charge any additional fees under 37 C.F.R. § 1.16 or 1.17 that may be required, or to credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 12458.0091.NPUS00.



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The undersigned attorney invites the Examiner to contact him directly by telephone to discuss any issues presented by this paper or otherwise remaining in the application after consideration of these remarks.

Please address all correspondence regarding this application to the address associated with customer number 23369 (Howrey Simon Arnold & White, LLP).

Respectfully submitted,

A handwritten signature in black ink that appears to read "Ira D. Finkelstein".

Ira D. Finkelstein

Patent Attorney

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Date: June 16, 2004